



PATENT / DOCKET NO. 16356.686 (DC-03130)
Customer No. 000027683

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AF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:
Peppers, Cherita et al.

Serial No.: 10/087,384

Filed: March 1, 2002

For: METHOD AND APPARATUS FOR
AUTOMATED OPERATING SYSTEMS
UPGRADE

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Group Art Unit: 2122

Examiner: Romano, John J.

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Final Office action dated July 13, 2005, enclosed are the following regarding the above-identified patent application:

1. Amendment and Request for Reconsideration Under 37 CFR §1.116; and
2. Transmittal letter.

☐ Small entity status of this application has been established by a previously submitted verified statement under 37 C.F.R. §§ 1.9 and 1.27.

☒ No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)		(Col. 3)		SMALL ENTITY			OTHER THAN A SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR		PRESENT EXTRA		RATE	ADDIT. FEE	OR	RATE	ADDIT. FEE
TOTAL	20	minus	40	=	0		x 25	\$_____	OR	x 50	\$_____
INDEP	2	minus	4	=	0		x 100	\$_____	OR	x 200	\$_____
<input type="checkbox"/>	FIRST PRESENTATION OF MULTIPLE DEP. CLAIM						+180	\$_____	OR	+ 360	\$_____
							TOTAL	\$_____	OR	TOTAL	\$_____

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

☐ Please charge Deposit Account No. [08-1394 H&B] in the amount of \$_____.

☐ A check in the amount of \$_____ is attached.

☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. [08-1394 H&B, Order No. 16356.686 (DC-03130)].

- [X] Any additional filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims.
[] Any patent application processing fees under 37 C.F.R. § 1.17.
[] A copy of this sheet is enclosed.

Respectfully submitted,



James R. Bell

Registration No. 26,528

9-9-05

Dated:

HAYNES AND BOONE, L.L.P.

901 Main Street, Suite 3100

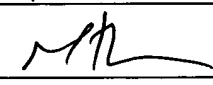
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
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For: METHOD AND APPARATUS FOR	§	
AUTOMATED OPERATING SYSTEMS	§	
UPGRADE	§	

AMENDMENT AND REQUEST FOR RECONSIDERATION UNDER 37 CFR 1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The present paper is being submitted in response to the Final Office Action dated July 13, 2005, in the above-identified application.

PATENT

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INTRODUCTORY COMMENTS

Claims 1 and 14 are amended, claims 10 and 23 are cancelled, and claims 1-9, 13, 14-22 and 26 remain in the application. Re-examination and reconsideration of the application, as amended, are requested.